



VETS HELPING VETS SINCE 1974

VA Exclusion From Basic Veteran Services

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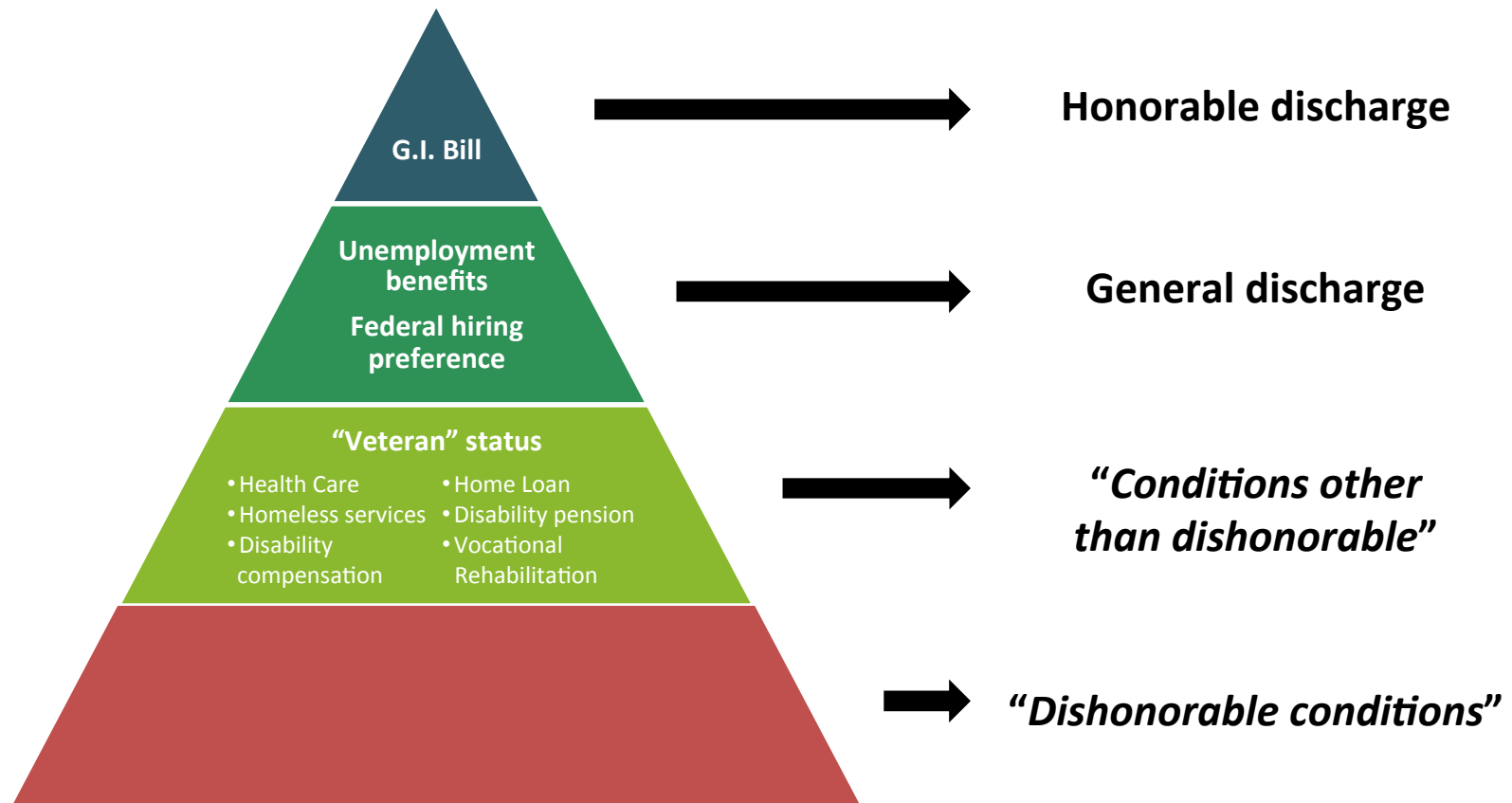


Take me to the brig. I want to see the
real Marines.

-- USMC Gen. "Chesty" Puller

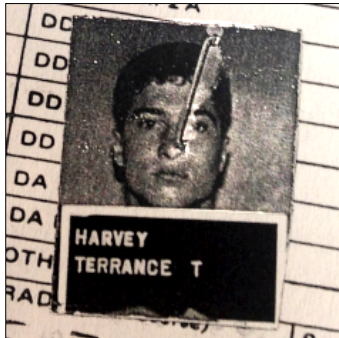


Tiers of veteran services





Josh Redmyer. Marine with multiple OIF and OEF tours, seven years of service. OTH discharge after self-medicating with marijuana. Turned away from VA PTSD treatment.



Terrance Harvey. Combat infantryman in first Gulf War. Attempted suicide in service, given OTH discharge when he left to get care from his mother. Homeless in San Francisco for seven years without VA support.



Ted Wilson. Combat rifleman in Vietnam at age 17, earned four campaign ribbons and two purple hearts. Had a psychiatric breakdown and attempted suicide in service. OTH discharge after a mental breakdown on his second combat tour. Denied VA Compensation.

MILITARY DISCHARGE CHARACTERIZATIONS

	Description	Number FY00-13
Honorable	Service member met the standards of acceptable conduct and performance.	1,983,893
General	Service record shows performance deficiencies.	172,125
Other than Honorable	Service record shows some misconduct, but not with a court-martial conviction. Non-punitive discharge characterization.	125,204
Bad Conduct	Court-martial conviction, generally equivalent to a misdemeanor offense.	19,054
Dishonorable	Court-martial conviction, generally equivalent to a felony.	1,467
Uncharacterized	Applies to those who leave the military within 180 days.	288,568



The Context

Mental Health

- Combat PTSD → **11x** more likely to get a misconduct discharge. **8x** more likely to be discharged for substance abuse.¹
- **2x** more likely to commit suicide² and **2x** more likely to be homeless.³
- **22,000** Army servicemembers with mental health disorders given misconduct discharges since 2009.⁴

Command philosophy

- USMC vets **10x** more likely to be excluded from VA services than USAF vets

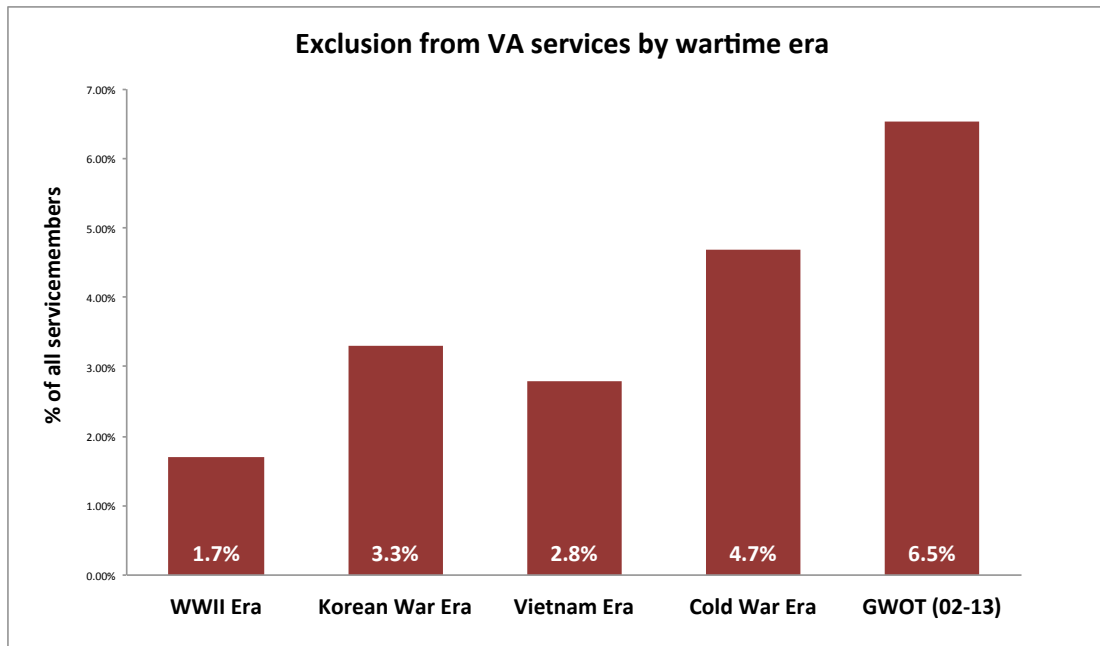
Command bias

- Native Americans **50%** more likely to be excluded from VA services than average; African-Americans **15%** more likely.

¹ R.M. Highfill-McRoy et al., Psychiatric Diagnoses and Punishment for Misconduct: the Effects of PTSD in Combat-Deployed Marines, BMC Psychiatry (Oct. 25, 2010). ² M.A. Reger et al., Risk of Suicide Among US Military Service Members Following Operation Enduring Freedom or Operation Iraqi Freedom Deployment and Separation from the US Military, J. Am. Med. Ass'n Psychiatry (2015). ³ Adi V. Gundlapalli et al., Military Misconduct & Homelessness Among US Veterans Separated from Active Duty 2001-2012, 314 J. Am. Med. Ass'n 832 (Aug. 2015). ⁴ Daniel Zwerdling, Missed Treatment: Soldiers with Mental Health Issues Dismissed for "Misconduct", Nat'l Pub. Radio (Dec. 4, 2015).



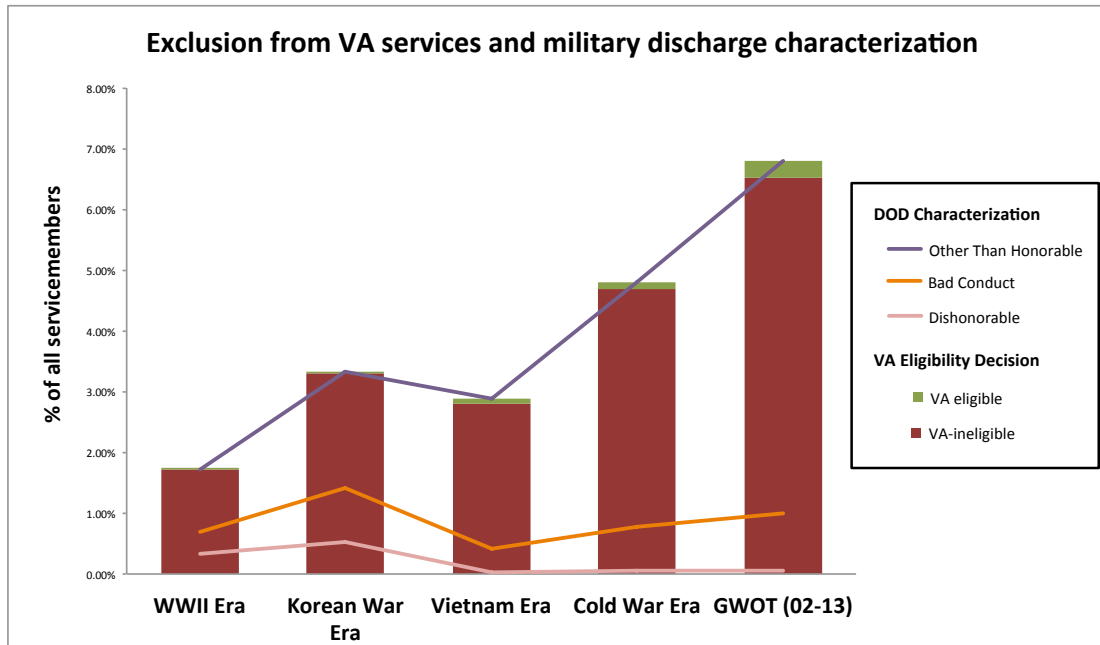
Turned away at the door



- Over **125,000** post-2001 veterans
- Over **35,000** post-2001 service members who deployed to a contingency operation



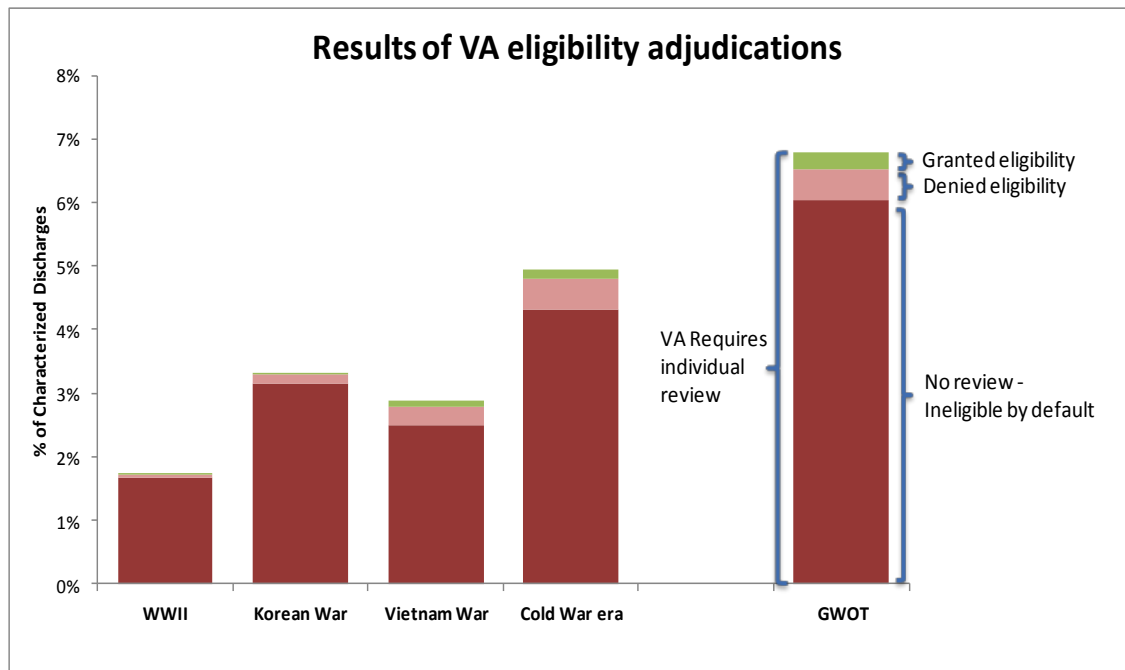
VA Regulations: Presumptive Ineligibility for OTH



- No change in rate of punitive discharges
- Increased administrative discharges for minor discipline issues
- **Presumptive exclusion of OTH discharges not required by law**



VA Regulations: Procedural Hurdles



- Only 10% of post-2001 veterans who require a review have received one.
- Pending time about 4 years.
- No tentative health care eligibility.
- Eligibility reviews not started at hospitals.

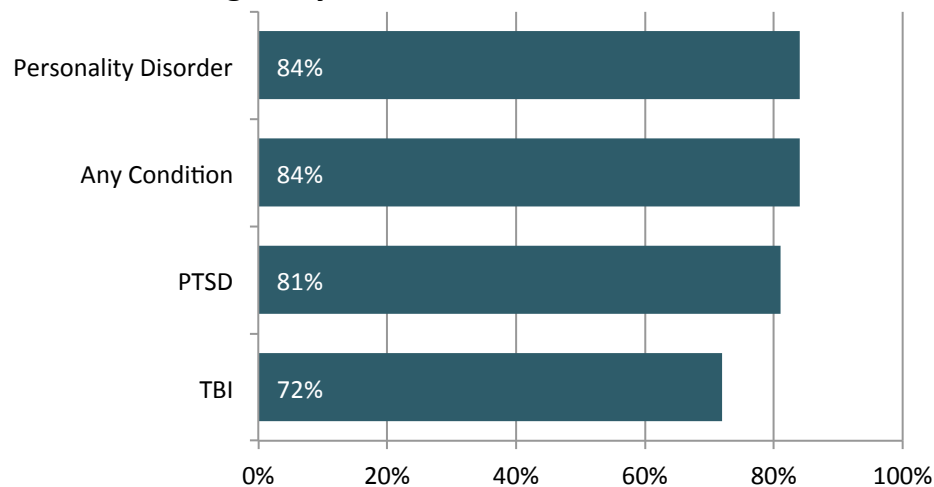


VA Regulations: Evaluation Standards

Mental Health:

- Only when “insane.”

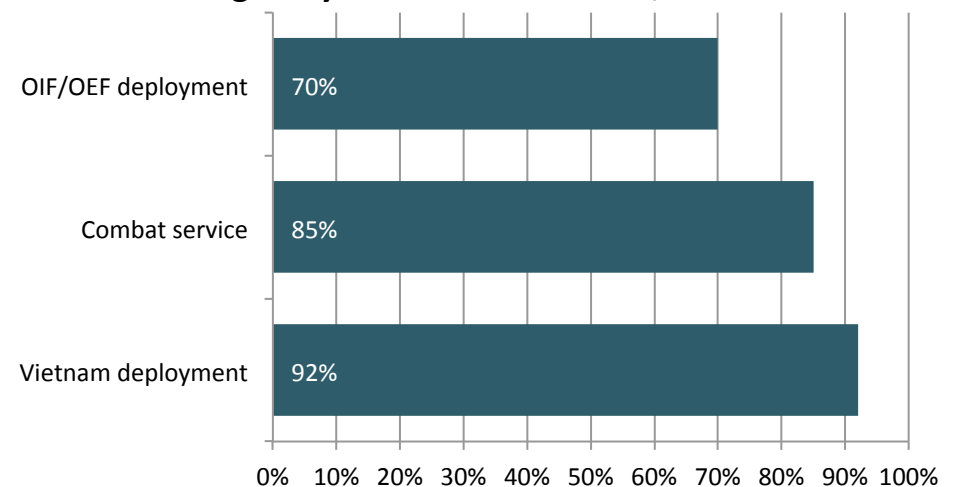
Eligibility Denial Rates at BVA, '92-'15



Hardship Service:

- Overall quality is a factor only if “meritorious,” but hardship service including combat is not inherently meritorious.

Eligibility Denial Rates at BVA, '92-'15





VA Regulations: Evaluation Standards

Extenuating circumstances:

- Only for “insanity.”³

Stephen Raimand

Combat veteran with multiple OIF and OEF deployments. He took unauthorized absence when his wife, who had eight miscarriages, threatened to commit suicide if he went on another deployment. He returned voluntarily and was sentenced to a Bad Conduct discharge. His nightmares sometimes make him vomit in the morning and he cannot drive a car safely. The VA labels him a “non-veteran” and denies all services.

Severity of misconduct:

- In FY13, denied 90% of cases

Orlando Tso. *Marine rifleman who developed a drinking problem after being encouraged to join in violent and drunken hazing activities in his unit. He went to over 100 AA meetings over the course of two years, but was arrested for drinking under the influence and was given an OTH discharge after 3 years of service. Denied VA eligibility.*

¹ VA online Fact Sheet, http://www.benefits.va.gov/BENEFITS/docs/COD_Factsheet.pdf. ² VA Undersec. Hickey Letter to Leader Pelosi, July 31, 2015.

³ 38 C.F.R. 3.12(b).



Carve-outs

Health care:

- Medical care for service-connected conditions
- Medical care for any condition related to MST
- Therapy for anyone deployed to combat theater

Housing:

- Emergency shelter (not permanent)



“Every soldier knows that many men, even in his own company, had poor records, but **no one ever heard of a soldier protesting that only the more worthy should receive general veterans’ benefits.** “This man evaded duty, he has been a ‘gold bricker,’ he was hard to live with, yet he was a soldier. He wore the uniform. He is one of us.” So they feel. **Soldiers would rather some man got more than he deserves than that any soldier should run a chance of getting less than he deserves.”**

--H. Rep. Comm. Military Affairs, 1946 ¹

¹ House of Representatives Committee on Military Affairs Report No. 1510, 79th Congress 2d Session, “Investigation of the National War Effort” (January 30, 1946) at 9.